

Entered -07-17-01 - sb
CL 01L0366 - GWENDOLYN BURNS

CLAIM OF:

JOHN MCCANNON
2211 Verbena Street, #8
Atlanta, Georgia 30314

01-R-1402

For property damages alleged to have been sustained when a vehicle was flooded by storm water on June 7, 2001 at Metropolitan Parkway, SW & Mayland Avenue, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0451

Date: August 17, 2000

Claimant /Victim JOHN MCCANNON
 BY: (Atty) (Ins. Co.) _____
 Address: 2211 Verbena Street, #8, Atlanta, Georgia 30314
 Subrogation: _____ Claim for Property damage \$ Unspecified Bodily Injury \$ _____
 Date of Notice: 7/12/01 Method: Written, Proper X Improper _____
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
 Date of Occurrence 6/7/01 Place: Metropolitan Parkway, SE & Mayland Avenue, SW
 Department _____ Division _____
 Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his vehicle sustained property damage when it was flooded by storm water while traveling on Metropolitan Parkway, SE. The claimant has been informed that Metropolitan Parkway, SE is a state route and is operated and maintained by the State of Georgia Department of Transportation. Additionally, the storm drains that are located along this route are maintained by the State as well. His claim has been forwarded to the State of Georgia for resolution.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
 Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
 Traffic citations issued: City Driver _____ Claimant Driver _____
 Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
 Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
 City not involved X Offer rejected _____ Compromise settlement _____
 Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
 Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


 INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse Account charged: 1A01 _____ 2J01 _____ 2H01 _____
 Claims Manager:  Concur/date 08-30-01
 Committee Action: _____ Council Action _____

RECEIVED JUL 12 2001

BURNS

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES 07/16/01

Today's Date: 07/16/01

Dear Municipal Clerk:

ENTERED - 7-17-01 - SB
0110451 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 6/7/01 (month/day/year) 2. Time of Incident: 5:30 or about 3. Police called: Yes ☒ No ☐
4. Location of incident (including street address): Intersection of Metropolitan Parkway and Mayland Avenue
5. Name of your insurance company: _____ Policy No. _____
6. State what and how incident occurred: Raining, hard to see, I found my car floating like in a little lake on Metropolitan Parkway with rising water about or above my ankles inside the car. Thinking the car might sink, I prepared to abandon car. Continued on back of this sheet - over please.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
Your vehicle: Mazda 323 (Make) 1992 (Year) 285 MRJ (Tag Number) John McCannon (Driver's Name)
City vehicle: _____ (Make) _____ (City Driver's Name) _____ (Department/Bureau)
9. Witness: Donna Walters (Name) 646 Mayland Av (Address) Atlanta, Ga 404-753-8424 (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY ~~STATE~~ AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

John McCannon
Signature of Claimant

John McCannon
(Print Claimant's Name)

2211 Verbena St. #8
(Address)

Atlanta, Ga 30314
(City, State and Zip Code)

Do not have
(Work Number) (Home Number)

Continuation from front:

A man, Wayne Russaw, came (If I remember correctly the water was his waist deep or above); he pushed the floating car onto and part ways up of Mayland Avenue.

Coming from 605 Mayland, a woman, a witness, used her car phone to call for a wrecker to take the car to my apartment (this was on a Sunday).

The woman's mother living at 605 Mayland is a witness, in addition a male for 606 Mayland who helped in maneuvering the car. As far as witnesses are concerned there are a huge number of houses ^{in the proximity} of that intersection that I feel would have witnessed the time and occurrence.

I was looking for a part of the front grill that I had glued together or something that had come loose and I found there the drain completely clogged with green construction material or something (styrofoam it may have been) and the metal slat openings blocked with debris. I moved part of the green styrofoam or whatever it was, cleaned away part or all of the debris over the metal slat openings in the street and water exited swiftly.

* other witnesses:

Wayne Russaw - person who pushed the floating car

Rickey Barber 404-228-7675 Came with wrecker

Skyline Towing owner - Skyline Towing - 770-652-9650 cell phone